

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CIVIL ACTION NO.: 06-CV-00052-DBH

DAVID L. FREDRICK,
Plaintiff,

VS.

ST. MATTHEW'S UNIVERSITY
(CAYMAN LTD.),
Defendant.

AMENDED COMPLAINT FOR DECLARATORY JUDGMENT

PARTIES

1. Plaintiff David L. Fredrick (“Fredrick”) is a citizen of the State of Florida and the President of SABA University School of Medicine, a Netherland-Antillies Company (“SABA”). SABA offers a medical education to students from the United States and many European and other foreign countries.

2. Defendant St. Matthew’s University (Cayman) Ltd. (“SMU”) is a Cayman Islands, British West Indies foreign company which also offers a medical education to students from the United States and other foreign countries.

JURISDICTION AND VENUE

3. This Court has diversity jurisdiction pursuant to 28 U.S.C. 1332(a) because it is a suit between a citizen of Florida and a subject of a foreign country and the amount in controversy exceeds \$75,000.

4. A significant part of SMU's curriculum is offered in Maine in conjunction with St. Joseph's College ("St. Joseph's") in Standish, Maine, pursuant to an agreement between SMU and St. Joseph's.

5. SMU students attend courses at facilities operated by SMU in Windham, Maine as part of the curriculum for matriculation at SMU.

6. This court therefore has personal jurisdiction over SMU as a result of its regularly conducting business in the State of Maine and this action is properly venued in this Court pursuant to 28 U.S.C. 1391(a).

FACTS

7. Fredrick repeats and realleges paragraphs 1 through 6 of the Amended Complaint as if fully set forth herein.

8. Through its counsel SMU has claimed that Fredrick is responsible for statements published by the Association of American International Medical Graduates (AAIMG) and which allegedly disparage SMU. SMU's counsel has claimed that Fredrick has tortiously interfered with SMU's efforts to obtain accreditation by various entities and with its contractual and prospective contractual relationships with its students and that Fredrick is liable to it for tens of millions of dollars of lost revenue and other damages to SMU. Attachment A is one such communication from SMU's counsel describing claims of SMU regarding Fredrick and others. These claims are included in an action entitled St. Matthews University (CAYMAN) LTD. v. SABA University, et al, No. CV-S-05-0848-RCJ (LRL), now pending in the United States District Court of Nevada. Fredrick has moved to dismiss that the claim against him on the grounds that the District Court does not have personal jurisdiction over Fredrick and that Nevada

is not a proper venue for the dispute. Fredrick has instituted this action in this Court because jurisdiction and venue are appropriate in Maine.

9. Fredrick denies all the claims of SMU's counsel including the claims that he has disparaged SMU and that he has tortiously interfered with SMU's efforts to obtain accreditation and its contractual and prospective contractual relationships.

10. SMU's claims concerning Fredrick's alleged libelous activities are designed to disparage Fredrick and Fredrick risks substantial damage to his reputation and professional standing as a result of those claims.

COUNT I
(Declaratory Relief)

11. Fredrick repeats and realleges paragraphs 1 through 10 of the Amended Complaint as if fully set forth herein.

13. Fredrick seeks a declaratory judgment under 28 U.S.C. §§ 2201-2202.

14. There exists an actual controversy between the parties resulting from the allegations improperly made by SMU.

15. Fredrick has legal standing to pursue this declaratory judgment regarding his defenses to SMU's claims.

16. After a trial in this matter, Fredrick will establish entitlement to the declaratory relief set forth below.

WHEREFORE, Plaintiff David L. Fredrick requests that this Court enter an order declaring that:

- 1) Fredrick has not defamed St. Matthew's University;
- 2) Fredrick has not engaged in unfair competition with St. Matthew's University by any false or misleading statements;

3) Fredrick has not interfered with St. Matthew's University contractual relationships or with its prospective contractual relationships with students; and

4) Fredrick has not interfered with the efforts of St. Matthew's University to obtain accreditation from state and national medical boards and authorities.

Plaintiff David L. Fredrick further requests that this Court grant him such further relief that it deems just and equitable, including costs and attorney's fees.

DAVID L. FREDRICK,
By His Attorneys,

/s/ Barry A. Bachrach

Barry A. Bachrach (002641)
Bowditch & Dewey, LLP
311 Main Street
P.O. Box 15156
Worcester, MA 01615-0156
Tel. No.: 508-791-3511
bbachrach@bowditch.com

Of counsel:

Michael P. Angelini
Vincent F. O'Rourke, Jr.
Bowditch & Dewey, LLP
311 Main Street
P.O. Box 15156
Worcester, MA 01615-0156
Tel. No.: 508-791-3511
mangelini@bowditch.com
vorourke@bowditch.com

March 10, 2006